FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
APR - 3 2007
DAVID J. MALAND, CLERK
SEALED

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	NO. 6:07CR 29
	§	
ROBERTO FRANCO BUCIO (01)	§	
OCTAVIO FRANCO BUCIO (02)	§	

INDICTMENT

THE UNITED STATES GRAND JURY CHARGES THAT:

COUNT I

VIOLATION: Title 21, United States Code, Section 846 (Conspiracy to Possess with Intent to Distribute approximately 20 kilograms of cocaine)

From on or about a date unknown and continuing up to and through March 21, 2007, in the Eastern District of Texas, and elsewhere, ROBERTO FRANCO BUCIO and OCTAVIO FRANCO BUCIO, defendants herein, did knowingly and intentionally combine, conspire, confederate, and agree together and with others known and unknown to the Grand Jury, to violate the laws of the United States, to wit, Title 21, United States Code, Section 841(a)(1), prohibiting the possession with intent to distribute approximately 20 kilograms of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 846.

COUNT 2

VIOLATION: Title 21, United States Code, Section 841(a)(1) (Possession with Intent to Distribute approximately 20 kilograms of cocaine)

On or about March 21, 2007, in the Eastern District of Texas, ROBERTO FRANCO BUCIO and OCTAVIO FRANCO BUCIO, defendants herein, did knowingly, intentionally and unlawfully possess with intent to distribute approximately 20 kilograms of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), and Title 18, United States Code, Section 2.

By virtue of the commission of the offenses alleged in this Indictment, any and all interest the Defendants have in the above-described property is vested in the United States and hereby forfeited to the United States pursuant to 21 U.S.C. § 853.

A TRUE BILL,

FOREMAN OF THE GRAND JURY

4/3/07
DATE

MATTHEW D. ORWIG
United States Attorney

Bill Baldwin
Assistant United States Attorney

NOTICE OF INTENT TO SEEK CRIMINAL FORFEITURE

Pursuant to 21 U.S.C. § 853

As the result of committing one or more of the foregoing offenses alleged in this Indictment [21 U.S.C. §§ 841 and 846], Defendants herein, shall forfeit to the United States pursuant to 21 U.S.C. § 853:

1. any property constituting, or derived from, and proceeds the Defendants obtained, directly or indirectly, as the result of such violation; and

2. any of the Defendants' property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation, including, but not limited to the following:

Cash Proceeds

The sum of $500,000 in United States currency and all interest and proceeds traceable thereto, in that such sum in aggregate is property constituting, or derived from, proceeds obtained directly or indirectly, as the result of the foregoing offenses alleged in this Indictment.

Substitute Assets

If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant -

(a) cannot be located upon the exercise of due diligence;
(b) has been transferred or sold to, or deposited with a third person;
(c) has been placed beyond the jurisdiction of the court;
(d) has been substantially diminished in value; or
(e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of Defendant up to the value of the above forfeitable property, including but not limited to all property, both real and personal owned by Defendant.

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OCTAVIO FRANCO BUCIO (02)	§	

NOTICE OF PENALTY

COUNT 1

Violation: 21 USC. § 846

Penalty: Not less than 10 years and not more than life imprisonment, a fine not to exceed $4,000,000, or both - supervised release of at least 5 years. If the offense was committed after a prior conviction for a felony drug offense, a term of imprisonment which may be not less than 10 years and not more than life imprisonment, a fine not to exceed 4,000,000, or both - supervised release of at least 8 years.

Special Assessment: $100.00

COUNT 2

Violation: 21 U.S.C. § 841(a)(1)

Penalty: Not less than 10 years and not more than life imprisonment, a fine not to exceed $4,000,000, or both - supervised release of at least 5 years. If the offense was committed after a prior conviction for a felony drug offense, a term of imprisonment which may be not less than 10 years and not more than life imprisonment, a fine not to exceed 4,000,000, or both - supervised release of at least 8 years.

Special Assessment: $100.00